UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,930	07/11/2003	Wen-Hua Lin	LA-7196-117XX	6617

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ART UNIT	PAPER NUMBER
2192	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/618,930	LIN ET AL.
	Examiner	Art Unit	
	Andrew Y. Chou	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-15 have been examined. Claims 1, 6, and 11 are independent claims.

The priority date recognized for this application is 07/11/2003.

Oath/Declaration

2.   The Office acknowledges receipt of a properly signed oath/declaration filed on

07/11/2003.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 2-3, 7-8, and 12-13 are rejected under 35 U.S.C. 112, second paragraph,

as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

Claims 2, 7, and 12 contain the trademark/trade name UNIX. Claims 3, 8, and 13

contain the trademark/trade name WINDOWS. Where a trademark or trade name is

used in a claim as a limitation to identify or describe a particular material or product, the

claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See

Ex parte Simpson, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain

since the trademark or trade name cannot be used properly to identify any particular

material or product. A trademark or trade name is used to identify a source of goods,

and not the goods themselves. Thus, a trademark or trade name does not identify or

describe the goods associated with the trademark or trade name. In the present case,

the trademark/trade name is used to identify/describe and, accordingly, the

identification/description is indefinite.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1, 4-6; 9-11, and 14-15 are rejected under 35 U.S.C 102(e) as being

anticipated by Lu US 2004/0073747 A1 (hereinafter Lu).

Claim 1:

Lu discloses a storage media controller driver auto installing method for use on a

computer platform equipped with a certain type of storage media controller for the

purpose of auto installing a software-based driver for the storage media controller

during installation of an operating system onto the computer platform (see Abstract,

FIG. 1, and related text);

the storage media controller driver auto installing method comprising:

checking which type of storage media controller is currently being equipped to

the computer platform (see for example FIG. 3(a), step 300, and related text);

linking to a driver database which prestores a collection of an assortment of soft-

ware-based drivers for a selected group of various types of storage media controllers

(see for example page 2, [0018], "storage database") ;

retrieving a corresponding driver from the driver database that is mapped to the

particular type of the storage media controller (see for example FIG. 3(a) steps 308,

314, and related text); and

loading the retrieved driver from the driver database onto the computer platform,

allowing the computer platform to be capable of operating with the storage media

controller (see for example FIG. 3(a), step 314, and related text).

Claim 4:

Lu further discloses the storage media controller driver auto installing method of claim 1,

wherein the storage media controller is an IDE-compliant RAID controller (see for

example FIG. 1, item 108, and related text).

Claim 5:

Lu further discloses the storage media controller driver auto installing method of claim 1,

wherein the storage media controller is a SCSI-compliant RAID controller (see for

example FIG. 1, item 110, and related text).

Claim 6:

Lu discloses a storage media controller driver auto installing system (see for example,

Abstract, FIG. 1, and related text) for use with a computer platform equipped with a

certain type of storage media controller for the purpose of auto installing a software-based driver for the storage media controller during installation of an operating system onto the computer platform;

the storage media controller driver auto installing system comprising:

a driver database (see for example FIG. 4, and related text), which prestores a collection of an assortment of software-based drivers for a selected group of various types of storage media controllers;

a controller-type checking module, which is capable of checking which type of storage media controller is currently being equipped to the computer platform (see for example FIG. 3(a), step 300, and related text);

a driver retrieval module, which is capable of retrieving a corresponding driver from the driver database that is mapped to the particular type of the storage media controller (see for example page 2, [0018], "storage database"); and

a driver loading module, which is capable of loading the retrieved driver from the driver database onto the computer platform, allowing the computer platform to be capable of operating with the storage media controller (see for example FIG. 3(a), step 314, and related text).

Claim 9:

Lu further discloses the storage media controller driver auto installing system of claim 6, wherein the storage media controller is an IDE-compliant RAID controller (see for example FIG. 1, item 108, and related text).

Claim 10:

Lu further discloses the storage media controller driver auto installing system of claim 6,
wherein the storage media controller is a SCSI-compliant RAID controller (see for
example FIG. 1, item 110, and related text).

Claim 11:

Lu discloses a storage media controller driver auto installing system (see for example
FIG. 1, and related text) for use with a network server (see for example FIG. 1, item
106, and related text) equipped with a certain type of RAID controller for the purpose of
auto initialing a software-based driver for the RAID controller during installation of an
operating system onto the network server;

the storage media controller driver auto installing system comprising:

a driver database, which prestores a collection of an assortment of software-
based drivers for a selected group of various types of RAID controllers (see for example
FIG. 4, and related text)

a controller-type checking module, which is capable of checking which type of
RAID controller is currently being equipped to the network server (see for example FIG.
3(a), step 300, and related text);

a driver retrieval module, which is capable of retrieving a corresponding driver
from the driver database that is mapped to the particular type of the RAID controller
(see for example page 2, [0018], "storage database"); and

a driver loading module, which is capable of loading the retrieved driver from the
driver database onto the network server, allowing the network server to be capable of

operating with the RAID controller (see for example FIG. 3(a), step 314, and related text).

Claim 14:

Lu further discloses the storage media controller driver auto installing system of claim 11, wherein the RAID controller is an IDE-compliant RAID controller (see for example FIG. 1, item 108, and related text).

Claim 15:

Lu further discloses the storage media controller driver auto installing system of claim 11, wherein the RAID controller is a SCSI-compliant RAID controller (see for example FIG. 1, item 110, and related text).

Claim Rejections - 35 USC § 103

7.　　The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.　　Claims 2-3, 7-8, and 12-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Lu US 2004/0073747 A1 (hereinafter Lu) in view of Pellegrino et al. US 2004/0225775 A1 (hereinafter Pellegrino).

Claim 2:

Lu does not disclose the storage media controller driver auto installing method of claim 1, wherein the operating system is a UNIX operating system. However, Pellegrino in the

same analogous art of RAID storage devices discloses a storage media controller driver auto installing method of claim 1, wherein the operating system is a UNIX operating system (see for example page 2, [0021]). Therefore, at the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Lu to include a storage media controller driver auto installing method wherein the operating system is a UNIX operating system . One would be motivated to do so to take advantage of the additional flexibility provided by disclosing a method wherein the operating system is a UNIX operating system, thus further enhancing the system of Lu.

Claim 3:

Lu does not disclose the storage media controller driver auto installing method of claim 1, wherein the operating system is a WINDOWS operating system. However, Pellegrino in the same analogous art of RAID storage devices discloses a storage media controller driver auto installing method of claim 1, wherein the operating system is a WINDOWS operating system (see for example page 2, [0021]). Therefore, at the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Lu to include a storage media controller driver auto installing method wherein the operating system is a WINDOWS operating system . One would be motivated to do so to take advantage of the additional flexibility provided by disclosing a method wherein the operating system is a WINDOWS operating system, thus further enhancing the system of Lu.

Claim 7:

Lu does not disclose the storage media controller driver auto installing system of claim

6, wherein the operating system is a UNIX operating system. However, Pellegrino in the

same analogous art of RAID storage devices discloses a storage media controller driver

auto installing system of claim 6, wherein the operating system is a UNIX operating

system (see for example page 2, [0021]). Therefore, at the time the invention was made

it would have been obvious to a person of ordinary skill in the art to modify the

teachings of Lu to include a storage media controller driver auto installing system

wherein the operating system is a UNIX operating system . One would be motivated to

do so to take advantage of the additional flexibility provided by disclosing a method

wherein the operating system is a UNIX operating system, thus further enhancing the

system of Lu.

Claim 8:

Lu does not disclose the storage media controller driver auto installing system of claim

6, wherein the operating system is a WINDOWS operating system. However, Pellegrino

in the same analogous art of RAID storage devices discloses a storage media controller

driver auto installing system of claim 6, wherein the operating system is a WINDOWS

operating system (see for example page 2, [0021]). Therefore, at the time the invention

was made it would have been obvious to a person of ordinary skill in the art to modify

the teachings of Lu to include a storage media controller driver auto installing system

wherein the operating system is a WINDOWS operating system . One would be

motivated to do so to take advantage of the additional flexibility provided by disclosing a

method wherein the operating system is a WINDOWS operating system, thus further

enhancing the system of Lu.

Claim 12:

Lu does not disclose the storage media controller driver auto installing system of claim

11, wherein the operating system is a UNIX operating system. However, Pellegrino in

the same analogous art of RAID storage devices discloses a storage media controller

driver auto installing system of claim 6, wherein the operating system is a UNIX

operating system (see for example page 2, [0021]). Therefore, at the time the invention

was made it would have been obvious to a person of ordinary skill in the art to modify

the teachings of Lu to include a storage media controller driver auto installing system

wherein the operating system is a UNIX operating system . One would be motivated to

do so to take advantage of the additional flexibility provided by disclosing a method

wherein the operating system is a UNIX operating system, thus further enhancing the

system of Lu.

Claim 13:

Lu does not disclose the storage media controller driver auto installing system of claim

11, wherein the operating system is a WINDOWS operating system. However,

Pellegrino in the same analogous art of RAID storage devices discloses a storage

media controller driver auto installing system of claim 6, wherein the operating system is

a WINDOWS operating system (see for example page 2, [0021]). Therefore, at the time

the invention was made it would have been obvious to a person of ordinary skill in the

art to modify the teachings of Lu to include a storage media controller driver auto

installing system wherein the operating system is a WINDOWS operating system . One

would be motivated to do so to take advantage of the additional flexibility provided by

disclosing a method wherein the operating system is a WINDOWS operating system,

thus further enhancing the system of Lu.

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andrew Y. Chou whose telephone number is (571) 272-

6829. The examiner can normally be reached on Monday-Friday, 8:00 am – 4:30 pm. If

attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tuan Q. Dam, can be reached on (571) 272-3695.

The fax phone number for the organization where this application or proceeding

is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or

proceeding should be directed tot eh TC 2100 Group receptionist whose telephone

number is (571) 272 2100.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

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more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll free).

AYC

TUAN DAM
SUPERVISORY PATENT EXAMINER